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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,756	06/27/2003	Andrew John Hutchinson	S01.12-0984	7343

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EXAMINER

RENNER, CRAIG A

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/607,756

Applicant(s)

HUTCHINSON, ANDREW JOHN

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 29-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 & 17 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 11-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 19 April 2005.

### *Drawings*

2. The drawings were received on 17 October 2005. These drawings are accepted.
3. The drawings, however, are still objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include one or more reference signs mentioned in the description. Note, for instance, "466" (disclosed as a "rigid load beam section" in lines 3-4 of the amended paragraph beginning at line 5 on page 8).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) and/or an amendment to the specification in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the

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changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In lines 2-3 in each of claims 4 and 5, it is indefinite as to whether “the first side edge” refers to that set forth in line 3 of independent claim 1, or that set forth in line 3 of base claim 3.

b. In line 3 in each of claims 4 and 5, it is indefinite as to whether “the second side edge” refers to that set forth in line 3 of independent claim 1, or that set forth in line 3 of base claim 3.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tangren (US 5,796,553).

With respect to claims 1-7, Tangren teaches a suspension (312) comprising a longitudinal axis; a first side edge and a second side edge, the first and second side edges located on opposite sides of the longitudinal axis; a proximal mounting section (adjacent unlabeled circular boss in FIGURE 5, for instance); a rigid load beam section (322), wherein the first and second side edges in the rigid load beam section are positioned at a first angle with respect to the longitudinal axis (as shown in FIGURE 5, for instance); a flexible section (318) located between the proximal mounting section and the rigid load beam section (as shown in FIGURE 5, for instance) and having a preload bend ("spring region 318" would inherently have a preload bend), wherein the first and second side edges are at least partially positioned in the flexible section at a second angle with respect to the longitudinal axis (as shown in FIGURE 5, for instance), wherein the first and second angles are different (as shown in FIGURE 5, for instance); a peak strain region located between the preload bend and the rigid load beam section, wherein the peak strain region is located at least partially along the longitudinal axis (as shown in FIGURE 5, for instance, i.e., in as broad as the term "along" may be construed); and a damper (352 and/or 354) covering at least a portion of the peak strain region [as per claim 1]; wherein the peak strain region further includes a strain focusing aperture (350, for instance) [as per claim 2]; wherein the strain focusing aperture

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comprises an elongated slot (350), which extends transversely to the longitudinal axis and has first and second ends that are respectively spaced from first and second opposing side edges of the suspension (as shown in FIGURE 5, for instance) [as per claim 3]; wherein the strain focusing aperture concentrates strain energy in the peak strain region between the first end of the strain focusing aperture and the first side edge and between the second end of the strain focusing aperture and the second side edge (as shown in FIGURE 5, for instance) [as per claim 4]; wherein the damper covers a portion of the surface area of the suspension that is located between the first end of the strain focusing aperture and the first side edge and between the second end of the strain focusing aperture and the second side edge (as shown in FIGURE 5, for instance) [as per claim 5]; wherein the damper covers the strain focusing aperture (as shown in FIGURE 5, for instance) [as per claim 6]; and wherein the flexible section further includes a pair of spaced, elongated flexible struts (as shown in FIGURE 5, for instance, i.e., one strut is located between 334 and 350 and the other strut is located between 336 and 350) extending from the proximal mounting section toward the peak strain region (as shown in FIGURE 5, for instance), and wherein the preload bend is formed across the flexible struts (due to the fact that they are located in "spring region 318") [as per claim 7].

With respect to claims 23-28, Tangren teaches a suspension (312) comprising a longitudinal axis; a proximal mounting section (adjacent unlabeled circular boss in FIGURE 5, for instance); a rigid load beam section (322); a flexible section (318) located between the proximal mounting section and the rigid load beam section (as

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shown in FIGURE 5, for instance), the flexible section having a preload bend ("spring region 318" would inherently have a preload bend); a peak strain region located between the preload bend and the rigid load beam section, wherein the peak strain region is located at least partially along the longitudinal axis (as shown in FIGURE 5, for instance, i.e., in as broad as the term "along" may be construed); a strain focusing aperture (350, for instance) located within the peak strain region; and a damper (352 and/or 354) covering at least a portion of the peak strain region (as shown in FIGURE 5, for instance) [as per claim 23]; wherein the strain focusing aperture comprises an elongated slot (350), which extends transversely to the longitudinal axis and has first and second ends that are spaced from first and second side edges of the suspension, respectively (as shown in FIGURE 5, for instance) [as per claim 24]; wherein the strain focusing aperture concentrates the peak strain energy between the first end of the strain focusing aperture and the first side edge and between the second end of the strain focusing aperture and the second side edge (as shown in FIGURE 5, for instance) [as per claim 25]; wherein the damper covers a portion of the surface area of the suspension that is located between the first end of the strain focusing aperture and the first side edge and between the second end of the strain focusing aperture and the second side edge (as shown in FIGURE 5, for instance) [as per claim 26]; wherein the damper covers the strain focusing aperture (as shown in FIGURE 5, for instance) [as per claim 27]; and wherein the flexible section further includes a pair of spaced, elongated flexible struts (as shown in FIGURE 5, for instance, i.e., one strut is located between 334 and 350 and the other strut is located between 336 and 350) extending

from the proximal mounting section toward the peak strain region (as shown in FIGURE 5, for instance), and wherein the preload bend is formed across the flexible struts (due to the fact that they are located in "spring region 318") [as per claim 28].

### ***Allowable Subject Matter***

8. Claims 8-10 and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

9. Applicant's arguments filed 17 October 2005 have been fully considered but they are not persuasive.

The applicant argues that "Tangren fails to teach or suggest that 'the peak strain region is located at least partially along the longitudinal axis'." This argument, however, is not found to be persuasive as Tangren does teach a peak strain region located at least partially along a longitudinal axis (as shown in FIGURE 5, for instance, i.e., in as broad as the term "along" may be construed). That is, the term "along" does not necessarily require the peak strain region to be positioned on the longitudinal axis, but may be broadly construed to merely require the peak strain region to be positioned on a line or course parallel and close to the longitudinal axis.

The applicant further contends that "Tangren also fails to teach or suggest 'a strain focusing aperture located within the peak strain region'." This argument,



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however, is not found to be persuasive as Tangren does teach a strain focusing aperture (350, for instance) located within the peak strain region (as shown in FIGURE 5, for instance).

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Craig A. Renner  
Primary Examiner  
Art Unit 2652

CAR